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FBI Law Enforcement Bulletin

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Real Estate Fraud

By DANIEL BRADLEY

The increasing number of real estate foreclosures has become a significant financial issue negatively impacting the national economy. In 2005, 846,000 homes entered into foreclosure. The following year, the number increased 41 percent to over 1.2 million. In 2007, more than 2.2 million reportedly foreclosed, a 75 percent rise over 2006 and a 149 percent increase over 2005.¹ Most of the homeowners legitimately purchased their residences with adjustable rate mortgages (ARMs). Believing

that their home values would rise, the buyers expected to refinance if necessary.

However, a significant number of people were not innocent bystanders but perpetrators of a criminal conspiracy frequently involving real estate professionals and speculators, mortgage brokers, appraisers, and title companies. The actions of these individuals largely helped create a market with artificially inflated home prices, increasing the potential for values to decline and foreclosures to increase. This criminal activity has

impacted communities nationwide and victimized everyone. A combined response by federal, state, and local law enforcement can punish the perpetrators and deter this activity in the future.

A SERIOUS PROBLEM

Individuals become involved in real estate fraud to obtain a residence to live in or to profit financially. Those committing the crime for monetary gain frequently participate in multiple transactions with the same group of conspirators.

Real estate fraud hurts everyone, decreasing the values of homes, negatively impacting the stock market, and increasing the cost of borrowing. In the long run, not only do the lenders suffer but the stockholders and future borrowers pay increased fees for loan services so that the lenders can recoup their losses.

AN EFFECTIVE RESPONSE

Due to the broad and significant community impact of this type of fraudulent activity, the investigation of real estate fraud must receive a high priority. In view of resource limitations among agencies, an effective response requires a team approach involving federal, state, and local law enforcement and regulatory agencies.

Identifying Targets

Once established, the team can identify targets for

investigation. To do so, law enforcement personnel should establish relationships with honest, ethical real estate professionals, lenders, and financial institutions within the community. These individuals and organizations scrutinize the local market and know when a sales price for a property or group of properties is significantly out of range or, of course, when they personally have been victimized. The local assessor and personnel in the recorder's office also closely monitor transactions and often are aware of sale or foreclosure anomalies within the community.

Reviewing foreclosure records also can help identify coconspirators in fraudulent activity. Based on available information, investigators can look for connections, such as multiple foreclosures in a new housing development or

numerous transactions involving the same buyer, seller, real estate agent, lender, or settlement agent.

Examining Documentation

After identifying targets, investigators next should collect documents regarding the transactions in question. In other types of white-collar crime investigations, documentation relative to a financial transaction frequently is available on a limited basis and is only in the possession of potential targets who do not have to maintain it. However, in real estate fraud investigations, the buyer, seller, mortgage broker, lender, real estate agent, appraiser, and settlement company maintain the records—in many instances, for an extended period of time by law. Rarely will investigators find a shortage of documentation that they can review and, frequently, identify discrepancies that, in and of themselves, indicate fraud.

In that real estate sales involve large sums of money, the financial tracking of the transaction generally helps confirm both fraudulent activity and those involved. Settlement attorneys or closing agents must maintain records regarding the funds received and disbursed in a real estate sale. These records provide an excellent starting point for tracking fraudulently obtained proceeds. And, in the



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Real estate fraud investigations require a commitment of time and resources by a team of agencies.

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Special Agent Bradley serves with the FBI's Denver, Colorado, office.

investigation of crimes for financial gain, when investigators track the profits, they identify the participants and their hierarchy. This review also frequently helps to reveal other real estate transactions that initially may not have been identified as potentially fraudulent.

While time consuming, this process provides significant benefits, to include fully identifying the parties involved in the fraud and their roles. As in a drug or organized crime case, investigators strive to work from the bottom up, developing information and evidence through minor participants with the goal of focusing prosecution on the real estate professionals and others who profited most from involvement in multiple transactions.

Revealing False Statements

When interviewing participants in the transactions and reviewing documentation—primarily the sales contract, loan application, and HUD-1 (also referred to as the closing document)—investigators aim to identify false statements. Unlike those in many types of financial crimes, which frequently involve multiple complexities, these false statements are clear and simple, provable through documentation and witness testimony, and, therefore, easily conveyed to a prosecutor and jury.

Generally, real estate fraud involves five categories of false statements pertaining to the 1) value of the purchased property; 2) amount and source of the buyer's downpayment and closing funds; 3) purchaser's assets, liabilities, net worth, and income; 4) buyer's identity; and 5) purchaser's intended residency status. Frequently, in a single given fraudulent transaction, multiple false statements involving more than one of the five categories occur.

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Value of the Property

The key false statement in real estate fraud for financial profit involves exaggerating the value of the property. The higher coconspirators inflate the value, the more funds they have to divide among themselves.

For example, a home has a fair market value of \$500,000 but is marketed at \$700,000 after an inflated appraisal. The

buyer obtains a loan for 90 percent of the appraised value, or \$630,000. The seller walks away from the transaction with \$500,000, the true sales price, leaving \$130,000 in loan proceeds for the coconspirators.

This transaction will have an immediate impact on the real estate market within the neighboring community. The \$700,000 sales price now will serve as a comparative value for similar homes in the area, artificially inflating their values. Future buyers initially will pay more for their houses based on this fraudulent sale, thereby becoming innocent victims.

The buyer in this transaction may not ever move into the property or make a single mortgage payment. Upon foreclosure, the property will be reappraised at a price significantly lower than \$700,000. The lender, in the business of lending money, not selling homes, will sell the property as quickly as possible, generally below the fair market value. The foreclosed sales price then will immediately affect the real estate market within the neighborhood, decreasing the values of homes. As a result, all of the homeowners in the community will be negatively impacted.

Downpayment and Closing Funds

If a buyer indicates on the loan application that \$50,000

in downpayment funds are maintained in a bank account, investigators easily can confirm with the institution if and when the money was available, the origin of the funds (e.g., recently deposited by a third party), and if the money was used as indicated. If necessary, investigators can focus on determining the amount and source of fraudulent funds provided to the closing agent.

Buyer's Financial Picture

Verifying the buyer's assets, liabilities, net worth, and income may prove slightly more difficult. Frequently, investigative targets involve themselves in multiple transactions, and their listed assets, liabilities, net worth, and income may change, as needed. These parties often are involved in additional, nonfraudulent purchases, such as that of a car or personal residence. Obtaining and reviewing the documentation for these other transactions frequently will result in identifying inconsistencies in the loan documentation for the fraudulent transaction.

Through the use of an *ex parte* order,² investigators can obtain the federal tax returns filed by the subjects of the investigation. If they discover a difference between the income level reported on a loan application and that recorded on a tax return, they then can ask the individual which figure

is fraudulent; either way, the subject faces a federal offense.

Purchaser's Identity

False statements as to the buyer's identity create valuable opportunities for investigators. Generally, transactions involving a fraudulent buyer's identity have been structured by one or more of the real estate professionals. Investigators should identify the funds brought into the transaction for closing and preclosing expenses and follow the disbursement of the proceeds. The flow of the funds into and out of the transaction will identify the criminal participants.

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Buyer's Intended Residency Status

Possibly, the simplest false statement relates to the purchaser's residency status. The interest rate for a buyer who intends to reside in a property generally is lower than that of an individual purchasing a residence for

investment purposes. If investigators can show that the buyer did not move subsequent to the purchase, the individual participated in multiple contemporaneous transactions, or a renter settled into the property shortly after the sale, they generally can prove that the purchaser lied on the documentation.

CONCLUSION

Real estate fraud investigations require a commitment of time and resources by a team of agencies. But, they can prove successful. Investigators can identify the hierarchy of the coconspirators; confirm the documented false statements; discover the flow of the profits; and proceed with the interviewing of the participants, beginning with the least culpable and working toward the primary subjects.

Successfully investigating and prosecuting these cases is essential. This crime has had a devastating impact on communities across the United States. Law enforcement agencies must work jointly to bring the perpetrators to justice and establish a deterrent against additional fraudulent activity in the future. ♦

Endnotes

¹ <http://www.realtytrac.com>

² A federal court order authorizing the release of federal tax returns and accompanying documents to law enforcement officials.

Global Challenges

Never regard study as a duty but as the enviable opportunity to learn to know the liberating influence of beauty in the realm of the spirit for your own personal joy and to the profit of the community to which your later work belongs.

—Albert Einstein

I recently had the opportunity, along with Special Agent Mark N. D'Amico and Leadership Program Specialist Pamela O. Merryman, to coordinate and conduct the 59th Session of the Law Enforcement Executive Development Seminar (LEEDS). LEEDS is a 2-week executive training program sponsored by the FBI for law enforcement officials from mid-sized agencies worldwide. The program started in 1981 and, in the intervening years, has produced more than 1,300 graduates.

LEEDS Session 59 was unique from earlier editions of the program because it was the first seminar conducted away from the confines of the FBI Academy. Moving the session to a hotel in nearby Fredericksburg, Virginia, resulted from the ever-increasing demand for space and resources at the academy. We reacted to the prospect of change of location and tradition like true professionals—we quickly became stressed out.

Initially, we were concerned that the change in locale would compromise the effectiveness and success of the seminar. However, as with most negative concerns, our fears never became reality. Perhaps, this was due, in part, to the outstanding personality and dynamics of our diverse group. We became pleasantly surprised by how positively the attendees, who traveled to the venue from 11 different countries and all corners of the United States, adapted to their surroundings and each other. Being away from the law enforcement

environment of the FBI Academy appeared to improve communication among the group, leading to a high level of discourse regarding current issues and challenges.

As the 2 weeks passed and opportunities presented themselves for information sharing, it soon became obvious that despite the varied locations of their homelands, the attendees shared many of the same professional challenges and concerns. Some of the most common issues included motivating and retaining younger officers, inspiring senior personnel, handling budgetary issues, managing rising economic pressures, and, of course, the ever-present battle of combating terrorism. As attendees voiced concerns during class or in after-hour hospitality room meetings, it made little difference if the speaker was Athol from Scotland or Ed from Oregon. The common thread was that all members of the group face similar challenges that are not singular in nature to a particular country or culture.

Seminars and conferences similar to LEEDS, which include participants from numerous countries, offer those present a unique view of law enforcement and life issues from a global perspective. Such experiences as LEEDS can only help to solidify the alliance of those who protect the citizens of the world. ♦

Special Agent Kevin J. Crawford, an instructor in the FBI's Leadership Development Institute at the FBI Academy, prepared Leadership Spotlight.



Focus on Investigative Techniques

The Benefits of Aerial Photography

By Catherine Sapp, M.P.A.

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Investigators examine crime scenes from many angles and document them as completely as possible. Doing so proves vitally important in the reconstructive phase of an investigation. To this end, aerial photographs offer a valuable option to investigators. These pictures provide insight into important aspects of investigations, as well as solid evidence in support of cases.

At the Scene

If using aerial photography as a resource, investigators should begin crime scene investigations before the offense ever occurs by having a strategy in place and maintaining documentation on available, competent pilots. Before embarking on a mission, they will coordinate and plan with one of the individuals.

Once in the air, investigators should prepare to take photographs at various ranges, heights, and angles to give the viewer different perspectives of the scene and the surrounding environment. As with any other crime scene photographs, aerial pictures should be taken from 360 degrees. Investigators need to consider lighting conditions and the resulting shadows. And, when necessary, they

should mark or highlight photographed objects or areas for ease of orientation later.

By taking aerial photographs of the scene as near in time to the crime as possible, investigators can use them to “freeze” critical time-sensitive items. For instance, the density and nature of vegetation surrounding a scene changes with the seasons. Leaves and greenery abundant during some periods of the year will not create the same barriers at other times.

The possibility of structural changes exists as well. For instance, moved mobile homes or demolished buildings can affect the overall look of a scene. Neighborhoods have houses built, pools installed, and grounds cleared. In one particular investigation, the placement of a small tool shed was vitally important. But, by the time investigators took aerial photographs, it had been removed, and, thus, they found explaining the location of the shed to the jury more difficult.

Also important, aerial photographs can document the location, direction, and angle of moveable objects, such as parked cars. Knowing their relation to the scene could prove vital to the outcome of the investigation. For example, during

one police-involved shooting, it was imperative to understand the angle of the defendant's vehicle to explain the bullet's trajectory.

Investigators also can take aerial photographs to document tire and foot impressions, which can demonstrate mode, method, or direction of travel. In one instance, investigators marked the tire impressions of the defendant's and victim's vehicles with different colors of fluorescent paint to show where they traveled. Aerial photographs provided investigators with documented, easy-to-follow evidence. They simply followed the colored lines.

In the Courtroom

Aerial photographs prove valuable when presenting a case. Today, many court-houses are more technologically aware. Investigators can include these pictures in computer-generated presentations to the judge and jury. They are just as significant as any land-based photographs. While mapping programs and digital plat images also are important and can help the judge and jury orient themselves to the scene, they depict a flat environment and are not as accurate as an aerial photograph taken after an investigation has begun. Aerial pictures offer a more realistic viewpoint, one that helps people better understand the area of a scene.

Among the benefits offered by aerial photographs, they can show a nexus between locations potentially involved in an investigation. For instance, demonstrating the proximity of a clandestine grave to the defendant's residence, obviously, would be a powerful piece of evidence.

Aerial photographs also can help indicate the credibility of witnesses. By viewing an aerial photograph of the scene, jury members can determine whether someone has given accurate testimony by,

for instance, judging distances between pertinent locations. As the Georgia Supreme Court stated in *Brodes v. State*, "In light of the scientifically documented lack of correlation between a witness' certainty in his or her identification of someone as the perpetrator of a crime and the accuracy of that identification, and the critical importance of accurate jury instructions as 'the lamp to guide

the jury's feet in journeying through the testimony in search of a legal verdict,' we can no longer endorse an instruction authorizing jurors to consider the witness' certainty in his/her identification as a factor to be used in deciding the reliability of that identification. Accordingly, we advise trial courts to refrain from informing jurors they may consider a witness' level of certainty when instructing them on the factors that may be considered in decid-

ing the reliability of that identification."¹ Aerial photographs can offer juries significant evidence corroborating the eyewitness testimony.

Conclusion

Aerial photographs serve as a valuable tool for law enforcement agencies. They can provide investigators with important information, such as avenues for searches and recovery of evidence, pertaining to investigations. And, they can serve as powerful evidence when a case goes to trial. These pictures give investigators the "bird's eye view" that otherwise would not be available. ♦

Endnotes

¹ *Brodes v. State*, 279 Ga. 435, 442, 614 S.E. 2d 766, 771 (Georgia Supreme Court 2005).

Special Agent Sapp serves with the Georgia Bureau of Investigation in Statesboro.

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Developing a Police Performance Measurement System

By JON M. SHANE, M.A.



Virtually everything in policing is subject to measurement and, as such, should be measured. As the political era of 19th century policing gave way to the 20th century's professional model, reform leaders, such as O.W. Wilson and William H. Parker, began to experiment with performance measurement, primarily through the FBI's Uniform Crime Reporting Program. Another early professional-era assessment approach involved rapid response to calls

for service, seen as the hallmark of professional policing. Part of these leaders' relentless analytical management style included using the data law enforcement agencies routinely capture to demonstrate how they could effectively and efficiently reduce crime. After all, they understood that what gets measured could be improved.

Yet, measurement in the early years was not tactical or strategic nor linked to the priorities or mission of the agency. Initial efforts to assess

police performance, however, constituted the impetus for a new generation of police leaders who emerged in the 1970s to take a fresh look at how departments gauged success and affixed accountability. Policing was about to undergo another paradigm shift—this time into the community era where great emphasis was placed on police legitimacy, as well as crime control, which would be measured by the level of respect and compassion as perceived by the community.

One of the lessons learned from the distant, professional model of policing was that law enforcement agencies are rich in data that could be used to reorient them for success. Crime is not the only bottom-line measure of performance in policing today nor the only standard police leaders can use to determine success. In an era of increasing demands and limited resources, law enforcement managers throughout the country struggle to improve their capacity to prevent terrorist attacks; to serve their communities; and to control crime constitutionally, compassionately, and consistently.¹ The fundamental question that arises from earlier efforts at performance management is, What are the prospects for improving efficiency and effectiveness in law enforcement agencies by increasing their emphasis on performance measurement?

A new era of police performance management has begun to emerge. Top administrators pay closer attention to the logic behind measuring success, particularly connecting lower-level activities with higher-level goals to clarify employee expectations and define departmental obligations. Most law enforcement agencies routinely capture the necessary data elements, so implementation proves less costly. Moreover, advanced knowledge of

statistics and research methodology is not necessary, thereby making analysis easier.

To help law enforcement leaders institutionalize performance management and analysis, the author focuses on developing a systematic structure.² By applying such concepts, top administrators can say with confidence how well their agencies perform and what individual employees and organizational elements contribute. In the words of scholar Peter Drucker, "What is the bottom line when there is no bottom line? Performance."

HISTORICAL PROBLEMS IN MEASURING PERFORMANCE

When implementing performance management, law enforcement leaders face difficulties similar to those surrounding other innovations requiring

organizational change, particularly personnel resistance. Employees oppose change because they must learn something new. While not necessarily disagreeing with the anticipated benefits of the new process, they fear an unfamiliar future and often doubt their ability to adapt to it. "Most people are reluctant to leave the familiar behind. We are all suspicious about the unfamiliar; we are naturally concerned about how we will get from the old to the new, especially if it involves learning something new and risking failure."³ In the case of performance management, several factors can come into play.

- No internal champion: Top management does not regard performance measurement as a priority; it is seen as "one more thing" to add to an already full plate.

“Crime is not the only bottom-line measure of performance in policing today nor the only standard police leaders can use to determine success.”



Mr. Shane retired from the Newark, New Jersey, Police Department.

- Not accepted as vital in government: The oft-cited remark that “We are unique” drives this obstacle primarily because government is not regarded as a competitive enterprise.
- Not everyone is doing it: Peer group acceptance often shapes how agencies approach cosmopolitan ideas, and many do not want to be too far “off center.”
- Not part of a wider strategy: Few police departments articulate a corporate direction in a business plan that drives operations and service delivery, leaving performance fragmented.
- Associated more with punishment than progress: Agencies often use performance and accountability to highlight shortcomings, rather than reinforce incremental success.
- Disagreement over standards of “good performance”: Although subjective, it can be measured objectively against several categories of police activity.
- Lack of control over the measure: The inability to exert total authority over the influences in policing is no reason to avoid assessing performance.
- Overemphasis on output instead of outcome: Earlier

models of police performance relied heavily on output (number of calls answered and arrests made), whereas modern ones emphasize outcome (results and impact).



IMPORTANCE OF PERFORMANCE MEASUREMENT

Law enforcement agencies are judged by their records of achievement. Measuring police performance proves vital to success and has implications for employees, as well as the organization. Fraught with arbitrary, inconsistent, and subjective measures, earlier models left personnel and their department with only general impressions, anecdotal evidence, and words without facts about whether a program worked properly or had achieved its intended results. Most important, the organization absorbed a great deal of uncertainty: the less

administrators know, the more tenuous their decisions.

However, contemporary performance models can overcome these deficiencies. For personnel, performance appraisal becomes more reasoned, consistent, and objective; it links individual performance to aspects of personnel management and motivates employees. It also helps affix accountability, foster responsibility on the part of managers, and facilitate better decision making by providing supervisors with information to perform their management-control functions. For the organization, performance measurement helps improve service delivery through productivity, effectiveness, quality, and timeliness. It also supports citizen participation in law enforcement activities by stimulating community sentiment about the quality of services, and it improves civic discourse by making public deliberations about service delivery more factual and specific.⁴

TOWARD A PERFORMANCE MANAGEMENT MODEL

Employees form the bedrock of law enforcement agencies. Consequently, organizational effectiveness rests directly on personnel productivity. The route to improving individual performance lies with a commitment from top administrators.⁵

Once law enforcement executives commit to changing the organization to accept measuring performance as the means to success, then they can develop a performance management framework, the principle structure for building organizational capacity. Within this framework, data collection and analysis are performed, creating the basis for becoming a “learning organization.”⁶ Such an entity develops the capacity to expand and shape its future by learning from past practices, instead of relying on defunct or outmoded programs and tactics. During a National Institute of Justice conference, William A. Geller noted the current shortcomings of some police agencies and challenged top administrators to consider the benefits of institutionalizing the learning process in the same way as the country’s best-run businesses, “They watch bewildered and despairing as their organization leaps from one tactic and program to another—rarely bothering to conduct a meaningful feasibility study or figure out what worked and what didn’t work and under what conditions the last time a similar problem was tackled.... A learning organization learns to measure what *really* matters, for it understands that what we measure is taken more seriously.”⁷

A learning organization feeds directly back into its

employees by requiring them to work smarter; think critically; increase their cooperative effort; and develop their knowledge, skills, and abilities. This process results in improved morale and greater job satisfaction that fosters a sense of motivation leading to increased productivity, the cornerstone of long-term, sustained performance and service delivery.

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FACTORS OF PERFORMANCE MEASUREMENT

Six interrelated factors form the basis for a performance measurement model: 1) developing the police business plan, 2) structuring performance management, 3) collecting and analyzing data, 4) creating performance measures, 5) identifying meaningful measures, and 6) defining common terminology. In addition, agencies should remember that performance data can have limitations as well.

Developing the Police Business Plan

Executives should think of a police business plan as the primary product resulting from performance measurement. The plan serves several important functions with each catering to a different group, including employees, community members, investors, and partners. First, a business plan documents the department’s values, priorities, and expectations and provides the opportunity to articulate what the organization stands for, what it considers important, how it formulates its priorities, what it expects from its employees, and what the community can expect from the agency.

Next, it serves to map the present state, the anticipated future states, and the pathways to improvement. The department first describes its present state of affairs, which typically includes the strengths, weaknesses, opportunities, and threats identified through strategic planning. It also examines the political, economic, social, and technological dimensions of the operating environment. Then, the agency sets forth the anticipated future state, a broad interpretation of where it sees itself and its community over a defined period, typically reflecting the goals and desired outcomes of its programs. After this, the organization charts the pathways to improvement by

Table 1. Performance Management Framework

1. Define the core purpose of the organization and the desired outcomes for each of the dimensions identified in the performance model.
2. Identify the measures for each performance dimension that demonstrate the meaningful steps being taken to achieve the stated goal.
3. Specify the minimum acceptable outcome for the performance dimensions (e.g., crime rate of 522 per 100,000; citizen satisfaction rating of 90 percent).
4. Allocate resources to achieve qualitative outcomes, a meaningful indication of how dollars turn into results and fund daily activities, along with the expected output and the resulting outcomes.
5. Assign responsibility based on job description and organizational function.
6. Circulate interim progress reports routinely, both internally and externally, to keep personnel and various stakeholders informed.

describing its focus, usually a series of consecutive valid linkages of programs and budget intended to enhance service delivery.

Finally, the business plan helps facilitate the executive responsibilities of communication, management, and planning. Leaders can use it as a communication tool to attract investment capital to the community and develop strategic partnerships (private, government, and nonprofit). As a management tool, the plan can help administrators monitor and evaluate progress, establish time lines and milestones to gauge headway, and compare projections with actual accomplishments. As a planning tool, it can guide the department through various phases of its

business and help identify solutions to obstacles or establish alternatives.

Structuring Performance Management

Today's policing consists of much more than controlling crime. Agencies must assess performance from a multidimensional approach. No single best expression of police performance exists; multiple dimensions better depict what police departments do because they include factors beyond crime. This means that although controlling crime is nearly universally accepted as a measure of police performance and undoubtedly remains the first priority of policing,⁸ other elements of service delivery, such as timely response, courtesy,

use of force, transparency, and competency, also concern constituent groups.⁹

Law enforcement scholars and researchers have developed several multidimensional models that account for tasks police do beyond controlling crime.¹⁰ The multidimensional model has its origins in the corporate sector where executives must satisfy many different stakeholders, not just investors, if they want to become a "good corporate neighbor." Similarly, various stakeholders assess police departments for how well they perform on the numerous services they deliver, not just controlling crime.¹¹

Performance management assumes a logical structure to ensure the department properly connects the different

components that move from measuring employee output to program and then agency outcome. To this end, departments should carefully consider the six steps in table 1.

Collecting and Analyzing Data

Measurement is accomplished by first collecting data and then transforming the material into a suitable configuration for analysis with the aim of extracting useful information to facilitate decisions or draw conclusions. Agencies should warehouse the data in a central location, which eliminates many common problems associated with collection. After all, without complete and accurate data, subsequent analysis may be unreliable.¹² If modifying the current data collection process, organizations should ask the following questions beforehand to save time and ensure they collect the correct data for the purpose at hand: “What information is currently being gathered? Does the current information meet our needs? What new information needs to be collected? Do any problems exist with data collection? What new or modified forms will be needed to collect data? How cost-effective is it to collect the data? What resources will be needed to manage or collect data (hardware, software, storage)? Are there any constraints

to collecting data (money, technology)? How often can or should data be collected? Who should collect data?”¹³

Data analysis should take two forms: basic descriptive statistics and inferential statistical analysis. Agencies can find descriptive statistics useful for any report or plan that conveys a message numerically, including percentages, ratios, rates, and averages. When reporting performance, they should use visual models (graphs and charts) and cross-reference tables to combine and summarize data from one or more sources into a concise format.

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Executives can best employ the second form, inferential statistical analysis, when they want a snapshot of the agency’s performance at a given point in time. For example, taking measurements of the same variables (e.g., crime rate, response

time, conviction rate, or unemployment level) at a specific period, such as monthly, quarterly, semiannually, or annually, enables them to see how the agency meets desired outcomes. In these cases, linear regression analysis is a common method used.¹⁴

Creating Performance Measures

Performance measures are created with the intent of delivering quality service and holding personnel accountable for that service. A law enforcement agency has an obligation to its employees, as well as the community it serves. For its personnel, the organization must affirm what performance standard it expects them to meet; for the community, the department must declare what level of service citizens can expect to receive. Toward that end, the agency must “1) clarify what is expected, 2) examine activities and performance measures and compare actual performance with what is expected, 3) act on findings to improve activities and performance measures, and 4) communicate findings in accordance with agency and regulatory policy.”¹⁵ The fundamental advantage of promulgating reasonable performance measures is that employees will have “a better sense of what is expected of them.... The objectives are much clearer and less

ambiguous,”¹⁶ and the community will know what it takes to achieve results (cost and effort).

Performance measures engender consistent employee performance and service delivery. When creating the measures, top administrators should 1) claim the ethical high ground, 2) rely on best practices for appropriate measures, 3) prepare legally defensible business plans, and 4) involve various layers of staff during development. These four basic principles will help minimize resistance and ease implementation.

Typically, two types of performance measures, hard and soft, exist. A hard measure—usually expressed numerically (quantitative)—is easiest to formulate: the number, rate,

percent, or ratio of something. A soft measure—an intangible attribute or characteristic usually expressed in terms of degree of excellence, desirability, attitude, or perception (qualitative)—often is output- or outcome-based: citizen satisfaction with police or citizen perception of fear. Soft measures work well for tapping feelings or perceived changes and often complement hard measures by getting at people’s emotional state. Hard and soft measures consist of performance indicators that provide “evidence that a certain condition exists or certain results have or have not been achieved.”¹⁷ “Indicators enable decision makers to assess progress toward the achievement of intended outputs, outcomes,

goals, and objectives. As such, indicators are an integral part of a results-based accountability system.”¹⁸

Once created, the measures should be reduced to a performance measurement statement that clearly delineates expectations. One should be developed for each dimension to be measured, similar to the example in table 2.

Identifying Meaningful Measures

Considerable debate has taken place about what to measure in police departments mainly because little consensus exists concerning what constitutes “good performance” and because measuring it is complex and takes many forms.¹⁹ Crime

Table 2. Format of Performance Measurement Statement

Goal: Control fear and crime

- Critical Dimension: Reducing crime and criminal victimizations
- Reduce FBI UCR Part I crimes citywide from 2,300 in FY 2008 to 1,955 (-15%) in FY 2009 by increasing enforcement action
 1. Success Indicator: FBI UCR Part I crimes
 2. Performance Indicator: Enforcement action (number of arrests, directed patrols, car stops, traffic summonses, and number of road-safety checkpoints)
 3. Baseline: 2,300 FBI Part I crimes
 4. Target: 1,955 FBI Part I crimes

control, quality of life, and legal legitimacy represent the most important responsibilities of law enforcement agencies and the functions that most concern the public. Consequently, citizens should play an active role in helping shape the performance measures, expectations, and end outcomes departments will endeavor to meet. A performance measure is meaningful when it connects lower-level activities with higher-level goals.

Defining Common Terminology

A body of common terminology is essential to ensure uniformity among users of the information and to enable the agency to justify its actions regarding performance management. The two terms *police performance* and *good police performance* must be defined first because a great deal of uncertainty surrounds their meanings.

Police performance means “quantifiable end outcomes resulting from police activity.” This definition is precise, logical, and easy to understand: individual police activities (e.g., making arrests, processing prisoners, conducting directed patrols, and following up with victims) produce end outcomes (e.g., fewer crimes, more satisfied residents, and fewer uses of force) that can be described in numerical terms (e.g., 12

percent reduction in robberies, 5 percent increase in citizen satisfaction, and 14 percent decline in citizen complaints). Individual police activities combine to form the department’s business processes.

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**Agencies
must assess
performance from
a multidimensional
approach.**

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Although it always will have a subjective element based on who supplies the interpretation, the definition “quantifiable measures of time, quantity, quality, or cost calibrated against a baseline measure derived for that measure” for the term *good police performance* would be hard to argue against. The word *good*, typically expressed as improvement over the baseline, is known as “beating the baseline.”²⁰

Understanding the Limitations

Performance data have limitations. One expert identified the following three areas:²¹

1) “Performance data do not, by themselves, tell why the outcomes occurred.”

The process leading to the outcome often must be assessed to determine what went right and what went wrong.

2) “Some outcomes cannot be measured directly.” While agencies cannot measure criminal activity that did not occur, they can compare and analyze what *did* happen. The best measure in this case is the difference between the baseline and the target measurements.

3) “The information provided by performance measurement is just part of the information managers and elected officials need to make decisions.” Data should guide leadership judgment and community sentiment when it comes to policy decisions. Data are not flawless, so they should be used to reinforce what appears to be logical and sensible in a given situation.

Performance data do not obviate the need for supervision, especially as data cannot account for intangible qualities important for successful policing, such as judgment, leadership, emotional stability, and the ability to get along with others. These traits must be observed and reinforced by competent supervisors and command-level personnel.

CONCLUSION

The approach to performance leadership is to identify, capture, and analyze a “large number and wide variety of performance indicators” that lead toward “better practice.”²² Measuring performance is intended to improve societal “good” (quality of life) while concurrently slowing the “bad” (wasteful spending, victimization, and public disorder).²³

This paradigm of police performance is encouraging for both employees and their department. For personnel, career incentives match enriching assignments to performance, knowledge, skills, and abilities. Also, supervisors can use performance data as a guidance, support, and cooperation system, instead of a punishment or reward mechanism.²⁴ In this model, supervisors can capitalize on strengths and remedy weaknesses to help employees embrace important activities before they become urgent.

For the agency, the benefit is in both hindsight and foresight. A learning organization develops the ability to look backwards and extract useful information from data as it forges ahead. Foresight is found in imagination and proactive management. Imagination is the department’s ability to forecast future states to predict when and where crime will occur; anticipate vulnerabilities; and

improve resource allocation, service delivery, and budgeting through scenario-based planning. The organization further improves its capacity by linking performance indicators to priorities. This is all part of a proactive management effort that shifts the emphasis from compliance to managing for results through continuous feedback and by pooling information for joint operations.

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A performance measure is meaningful when it connects lower-level activities with higher-level goals.
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Performance measures also promote organizational citizenship behavior, those “job-related behaviors that are discretionary, not formally recognized by the organizational reward system, and, in the aggregate, promote the effective functioning of the organization.”²⁵ Essentially, these constitute what employees do above and beyond their job description—going the extra yard—that make for a harmonious and efficient workplace,

where attitudes of commitment, trust, and altruism predominate. Employees perceive the agency’s decision-making systems as fair and, therefore, become more committed to organizational goals. The outgrowth of perceived fairness, workforce motivation, brings increased productivity, which constitutes the ultimate goal of all law enforcement executives. ♦

Endnotes

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Who Is Training Whom? The Effect of the Millennial Generation

By Craig Junginger

As Officer Smith prepared for his first day at the police academy, he began a mental checklist of what to bring: uniform; stun gun; group communication device; miniature computer; and the virtual training halo to use in scenarios, hand-to-hand combat, and pursuits. He had become excited in recruit orientation when he learned that the staff relied heavily on interactive technologies and collaboration with other students during instruction. Even better, he discovered that he can teleconference from home 2 days each week. Officer Smith realized his fortune in attending the police academy in 2015, instead of the early years of the new millennium.

Does this scenario sound a little far-fetched? Actually, it represents the future for academies and what the millennial generation will demand in the highest level of instruction. A clear understanding

of this new generation of recruits demonstrates that this scenario will be the norm, not the aberration.

Understanding the Millennial Generation

A great deal of information exists about the generations over the last century. Each is unique, and people from one generation think and act differently from those in another one. The millennial generation, the newest to emerge, consists of those born between 1978 and 2000. Also referred to as gen Y and nexters, they will be the largest generation in the past century, topping 80 million people and eclipsing even generation X numbers.¹

The term *millennial*, attributed to this group by authors William Strauss and Neil Howe, was validated by a survey they conducted in 1999 of students in the Fairfax County, Virginia, school system. Fifty-six percent of the students preferred the label millennial generation, perhaps, because they are the first generation to reach adulthood in the new millennium. They came of age in the 1990s when the technology revolution exploded and, therefore, are extremely technologically

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California, Police
Department.*



sophisticated. They can process large amounts of visual information, and they possess advanced motor, spatial, and strategy skills because of game technology.²

The younger the age group, the higher the percentage of those who use the Internet for school, work, and leisure. Today, students often are on the cutting edge of technology that is, in most cases, beyond the knowledge of their parents, teachers, and even potential employers. Their comfort in technology has led this generation to perceptions that the technology they use at learning locations is inadequate.³ Most millennials have technology at home that far exceeds what learning institutions can provide. And, they believe they have more knowledge of technology than their teachers and are more Internet savvy.⁴ The older equipment, administrative restrictions, and filtering software used by educational institutions inhibit their learning in school.⁵ Therefore, those tasked with teaching millennials should consider the state of their technological equipment and expect to use it as a part of the learning process.

Millennials have received rapid exposure to a wide variety and ever-increasing level of informational activity, making them the most informed generation in history. They likely will challenge material, requiring instructors to stay current in topics they teach.

Additionally, millennials can absorb information quicker, and they reach boredom sooner when subjected to traditional teaching methods. Attention spans decrease with newer generations, so instructors must use methods that reap the most benefits and solidify learning. One instructor used the term *edutainment* to describe the millennials' learning process: to effectively train and teach the

new generation, they must be entertained while educated.⁶ Millennials are team oriented and prefer a classroom setting that emphasizes group learning and problem solving, rather than one focused on lecture. They expect accountability of instructors and higher standards of schools.⁷

Schools must realize the vast amount of knowledge they need to provide the most learning for millennials. When developing training curriculum, they should consider factors that can improve student comprehension.⁸ For example, students already act and behave differently as a result of the social and technological revolution; they need skills to manage their daily life; and they must have opportunities to explore the meaning and purpose of their life. Further, learning institutions should offer classroom and out-of-classroom opportunities for student personal awareness; they must understand that the information revolution created a situation

where there should be less emphasis on the accumulation of personal knowledge and more on tools necessary for informational retrieval; they should find ways to understand, nourish, and influence the peer culture; they must comprehend how students are affected by what they perceive as the normative behavior of their peers and use this information in training; and they need to model to students what is important and valued as higher learning.

Millennials want to learn by using teamwork, technology, structure, entertainment, excitement, and experiential activities.⁹ People tasked with educating the millennials sometimes feel threatened by their technical abilities.¹⁰ Schools must discard traditional learning and teaching methods and embrace new, technology-driven teaching by revamping the curriculum and using advancing

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**Technologies
and strategies to
train millennials
already exist.**

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technology in their presentations. For law enforcement, this will require some changes.

Teaching Police Recruits

Overall, law enforcement training has not changed significantly in many settings in the last 30 years. The basic format in which recruits learn statutory law, principles, and techniques has remained constant. Academy training still primarily consists of a teacher lecturing in a classroom setting followed by a traditional written test to assess learning. This type of training may not be the most effective for the new generation law enforcement officer. Instead, curriculums need a balance of individual, active, collaborative, and passive

learning, all of which occurs best in groups and through lectures.¹¹ A live lecture can help a dedicated and passionate scholar dramatize and embody the intellectual content of a subject and demonstrate the appeal and importance of the material. Recruits should understand not only what they need to know but also why it is important. This type of balance requires the increased use of technology in the learning process. Technologies and strategies to train millennials already exist. One such means is the application of game technology to learning.

The U.S. Army recognized the importance of integrating game technology into training, as well as using it as a recruitment tool. “We knew that

To teach to the highest level for the next generation, educators should follow some basic concepts when designing curriculum and developing teaching methods.

- Lead them with honesty and integrity. Millennials want to have great role models before they become leaders themselves.
- Challenge them with learning opportunities. Millennials want projects they can learn from. They are looking for growth, development, a career path.
- Let them work with friends. Millennials want to work with people they get along with; they like being friends with coworkers. Employers who provide for the social aspects of work will find those efforts well rewarded by this newest cohort. Some companies have begun interviewing and hiring groups of friends.
- Allow them to have fun. A little humor, silliness, and even a little irreverence will make an agency's environment more attractive.
- Respect them. Treat their ideas respectfully even though they have not been around a long time.
- Be flexible. Millennials are the busiest generation ever, and they will not give up their activities just because of jobs. They may challenge a rigid schedule.

C. Raines, Connecting Generations: The Sourcebook for a New Workplace (Menlo Park, CA: Crisp Publications, 2003).

this kind of technology is really good for small unit training. And its design is multiplayer- and Internet-distributed, so we knew it could potentially serve a variety of distributed training needs and that it also could interface with a variety of other existing Army simulations if we did some work.”¹² Interfacing of the technology can facilitate learning in law enforcement academies and increase recruits’ interest in such facets as tactical operations, pursuit driving, and decision-making concepts.

The California Commission on Peace Officer Standards and Training (POST) developed the Learning Portal as part of their Web site to enable law enforcement to complete interactive training modules and access related learning information. Other available interactive learning exists and, although it is primarily directed toward managers, it could be tailored for basic recruits.

In 2001, POST began revamping its academy curriculum and delivery method of information and, in 2005, approved the requirement for all new academy instructors at the Long Beach Basic Police Academy to attend an academy instructor certificate program prior to teaching recruits.¹³ This training introduces new instructors to the mandates of the academy, including the requirement to use active adult learning in their classes. In the 16 academic learning domains of the basic course, instructors must employ one or more learning activities. As a result of significant changes approved by POST, the basic course is enhancing its teaching methodology by placing the responsibility for learning on the student, modifying and expanding the instructor’s role to a facilitator of an adult learning environment, and providing students

with a variety of teaching methodologies and opportunities to acquire knowledge and demonstrate competencies necessary for success in field training and beyond.¹⁴ POST, as well as many other organizations, have recognized the importance of changing their teaching methods to accommodate the millennial generation. “A new reckoning must occur in the mind-set of the managers and leaders of these institutions.”¹⁵

Police academy directors and instructors may question why they should change the current programs if they are working now. Actually, instructors may not be doing the best possible job training millennials.

Foreseeing the Future

Academies of the future must rely heavily on technology and challenge the recruit during the learning process. Additionally, they should try to hire instructors from this new generation because they will understand the advancing technology and the need to be entertained while learning. However, focusing solely on millennials as instructors could cause academies to lose valuable experience, wisdom, and knowledge that only comes from time in the profession, so they must balance their approach.

A future basic academy could resemble what Officer Smith encountered the first day of training. He learned that the wristwatch computer could link with the school’s computers, which also could send the information to his

home computer. Therefore, there would be no handouts in the classes. The virtual training halo would be essential in the training for shooting scenarios, pursuits, and hand-to-hand combat. As Officer Smith arrived at the academy, the director and



the lead tactical officer met him and other recruits. After a brief introduction about the academy, they entered the main classroom. He saw a laptop on every desk, a huge TV screen monitor on the wall, and a projector hanging from the ceiling. The technology used in classes appeared similar to what he became accustomed to throughout college.

The first instructor was not much older than Officer Smith. One of the recruits' first tasks was to break into small groups that they would use to complete assignments and make presentations. Officer Smith, accustomed to working in groups, appreciated the instructors' creativeness and flexibility in how the class would handle assignments.

The instructor began the class with a few minutes of lecture at the podium and then began a computerized presentation that contained music, videos, and photos. He already had instructed the students to synchronize their wristwatch computers with the laptops at the desks, so they could take notes on the laptop. At the end of the class, the instructor assigned homework available on the Web site and asked that students e-mail their completed work to him. After listening to the instructor during the class, Officer Smith recognized his expertise in the field, even though they were about the same age.

Conclusion

Millennials are a unique generation with different learning styles, expectations, and more increased technological proficiencies than the generations preceding them. They have grown up during the technology-driven years and have high expectations. The California Commission

on Peace Officer Standards and Training has responded to the new generation by improving the requirements and curriculum of the basic recruit academies and providing more effective learning environments.

The more qualified graduates are, the better they will serve their community. Law enforcement leaders place a high degree of importance on the quality of service their officers and deputies provide. If academies produce superior graduates, the job of a police chief becomes that much easier. The advancement of technologies, new learning modalities, and increased interactivity in the academies will create a more finished product (i.e., highly trained officers) ready to protect and serve. ♦

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Academies of the future must rely heavily on technology and challenge the recruit during the learning process.

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Endnotes

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Developing Street Sources

Tips for Patrol Officers

By ROBERT BOTSCH, M.S.

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The most effective police officer is one who is an expert in developing information and then actively pursuing that information, not passively waiting for things to come to him or her. ¹

Information gathering, whether done consciously or unconsciously, is a regular part of a police officer's daily responsibilities. On patrol, officers interact with law enforcement's largest source of information—people. Although taking advantage of these opportunities proves important, officers often feel that they do not have the time to talk to citizens. The rapport possibly built during these brief contacts, however, is essential to gaining trust and cooperation, two key factors when recruiting and

developing street sources or informants.

“Data Mining” the Streets

Street sources give law enforcement agencies more than just eyes and ears in the community. The greater the number of sources a department develops, the better it can “data mine” the streets for information. Street sources have access to people, places, and information that law enforcement officers do not. As a result, not only can these sources report on what they see and hear but officers

can direct them to locate people or get information specifically needed to help establish probable cause, prepare for interviews and interrogations, solve crimes, and prosecute cases.

Individuals who engage in criminal activity cannot conceal it forever; they eventually talk about it. Oftentimes, they even go as far as bragging about it. "In 95 percent of the cases, multiple people know who is guilty of the crime. In 100 percent of the cases, at least one person knows who is guilty."² That one person is the offender. Fortunately, effective street sources have or can get access to that information. Well-connected street sources can mean the difference between a pending investigation and a cleared one. In addition, their connections may provide them with access to information regarding criminal activity being planned or about to be committed.

In many law enforcement agencies, only a relatively small number of detectives or plainclothes officers assigned to specialty units use street sources. Because uniform officers account for a significant part of agencies' personnel, they should be encouraged to recruit and develop their own street sources. As a result, the number of productive sources data mining communities would exponentially increase. The intelligence generated from this influx of

information likely would have a ripple effect on arrests, clearance rates, and the recovery of missing or stolen property. Additional sources on the streets producing regular information ultimately would increase proactive policing, providing more opportunities to interrupt, deter, and prevent crimes.³

Developing Sources

Officers can find potential street sources almost anywhere; every contact brings an opportunity to obtain valuable information and assess a person's usefulness as a street source. However, not everyone has the knowledge, ability, or willingness to provide information to the police. As a result, officers will have to use their experience and discretion to determine who to approach and how to do so. Individuals with regular access to the people, places, and

information that law enforcement agencies are interested in make the best sources. The most obvious and readily available are those in custody or recently arrested because they likely already are in a position to provide usable information. In addition, their arrest and subsequent prosecution give them an excellent incentive to cooperate.

Officers also can develop people who work in service and delivery industries as sources. Employees from postal, parcel, utility, cable, trash disposal, and independent contract companies make excellent sources because they are in and around homes every day. People expect to see them and are not concerned about their presence. As a result, these workers often see and hear things that others do not.

Additionally, employees who work in hotels, motels, and apartment buildings come into contact with hundreds of

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Street sources give law enforcement agencies more than just eyes and ears in the community.

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Special Agent Botsch, formerly a police officer, currently serves in the Law Enforcement Communication Unit at the FBI Academy.

people on a regular basis. They notice anything that appears out of place or suspicious. Further, the custodial staff at hotels and motels frequently find items that may interest the police. These businesses do not want their properties associated with criminal activity. As a result, owners usually willingly cooperate with the police.

Bar owners and employees are another great source of information. People have a tendency to talk more freely as they consume alcohol. Bar owners do not want their establishments associated with criminal activity nor do they want to generate negative police contacts because it can affect their operating license. Therefore, officers usually can persuade them to provide relevant information.

Offenders frequently use self-storage facilities to promote a host of criminal activities, such as safeguarding weapons, storing stolen property, concealing evidence of crimes, and hiding illegal drugs and purchases or proceeds of illegal activity. Those using these facilities are more concerned about watching for the police than the employees, who can make excellent sources by providing valuable information that otherwise would remain locked away.

Staying Committed

Working street sources requires a commitment. Officers

must make themselves available to their sources 24 hours a day, 7 days a week. If a hotel employee attempts to contact an officer at 2 a.m. to report seeing a large duffel bag full of money and the officer does not answer the telephone because his shift ended at midnight, the officer loses an opportunity and, perhaps, a source.⁴ If sources cannot contact their handler, they likely will stop calling. Unfortunately, the best information sometimes comes at the worst times. Effective source handlers understand this and make themselves available.

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Officers working with street sources always should have two source handlers....

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Departments must remain committed to working sources as well. They should develop and institute the necessary policies and procedures to help guide officers through the process of opening, developing, and operating street sources and informants.

Operating Recommendations

Officers working with street sources always should have two source handlers, a primary and

a secondary. The source should meet both of them and be comfortable talking and working with each one. This ensures two people who can reach the source and two who the source can contact with information.

Officers and street sources should be able to easily contact one another. The simplest and most ideal method is via cellular telephone. However, when meeting a source in person, officers always should choose the location. Additionally, officers should make every attempt possible not to meet sources alone because of safety issues. “No agency can predict the fallout that may result from unprofessional or inattentive conduct by police officers when dealing with informant sources. Reputations for both the officer and department can suffer irreparable damages.”⁵ A second officer helps prevent this from occurring.

Officers working with sources should remain professional at all times; sources are not friends or social acquaintances. Handlers should treat them with dignity and respect and never become personally involved with them. They should provide sources with guidance, directing and controlling their activities. To reinforce this point, handlers should generate reports that document every significant source meeting.

Agencies use source information to solve crimes and develop criminal cases. Officers should stress to sources that nothing less than complete truthfulness is acceptable and be extremely thorough in asking questions and verifying answers. Officers should corroborate everything and even ask questions that they already know the answers to. This not only tests truthfulness but reliability of information as well. If officers discover that a source has lied, they immediately should confront the source about the issue and thoroughly explain the consequences for providing false information to and obstructing police officers.

Consequently, officers should not lie to their sources or make promises they cannot keep. Sources will attempt to verify what their handler tells them. If they detect deception by the handler, trust in the officer erodes, adversely affecting the level of cooperation and quality of information. Trust helps build and maintain source-handler relationships. Officers must maintain their credibility to effectively operate their sources.

When sources provide useful information, officers should give positive feedback. Recognition for a job well done motivates and encourages sources to continue working. It may even persuade them to work harder

and enhance loyalty to their handler and the department.

Handlers must safeguard their sources' identities and ensure confidentiality. Anonymity is a great concern to most sources and key to their long-term and continued use. Agencies should protect them to the greatest extent possible based on the laws governing the jurisdiction. A department's reputation to protect source identities will directly affect its ability to recruit sources. Therefore, law enforcement agencies have strong motivation to develop methods and policies to protect those who willingly assist them.



Conclusion

The possibilities for source development are endless when officers take the time to talk to those with whom they interact. Building rapport and gaining people's trust likely will result in cooperation. The source-handler relationship that develops

will encourage the source to continue providing law enforcement officers with the information they need to more effectively do their jobs.

Some sources walk a fine line between being a source and a suspect. They can be unpredictable and, as a result, officers should handle them carefully. Departments that encourage the use of street sources should have detailed policies and procedures in place that protect officers and assist them in managing and operating sources.

Good sources equal good information; bad sources equal bad information; no sources equal no information. A well-developed network of sources can provide a constant flow of relevant information that can help departments better deploy their resources. To efficiently and effectively accomplish this, agencies should take advantage of the street contacts uniform officers make every day. ♦

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⁴ The author uses masculine pronouns for clarity purposes.

⁵ James E. Hight, "Working with Informants: Operational Recommendations," *FBI Law Enforcement Bulletin*, May 2000, 6-9.

Police Practice

Effective Truancy Intervention

By Ed Vance, Jerald Block, M.D.,
and George Heuston, J.D.



Police agencies prove important in truancy intervention. Officers perform many functions, ranging from alerting parents of their child's absence from school to assisting in the enforcement of sanctions and the mediation of difficult cases.

In 2004, the Hillsboro, Oregon, Police Department (HPD) recognized a need to enhance its policies to adequately address truancy—defined as missing 4 days of school in any month—and launched an effort to revamp its approach. A comparison of the results of HPD's former practices to the effectiveness of its new policies shows tremendous improvement in combating truancy problems.

FORMER APPROACH

Upon deciding that a particular truancy case required law enforcement attention, school officials

triggered police action by faxing HPD a request to intervene. Then, the agency would dispatch an officer to deliver by hand or send through certified mail a letter to the parents or guardians (in their native language, if necessary) informing them of their child's truancy and that the minor must return to class by the next school day.

If hand delivering the letter, officers often tried to mediate and solve the issue among the student, school, and parent. If successful, educators faxed another letter to HPD personnel advising them of the student's attendance and, thus, the resolution of the case. Otherwise, the police returned to the home and issued a citation. Generally, unless the parents successfully fought the ticket, the penalty would total \$130.

Often, parents would neither pay the fine nor appear, resulting in the court either ordering an officer to bring them to the judge or simply fining them, eventually garnering the parents' wages if necessary. The court would not hold the parents in contempt, considering the penalty worse than the crime. Subsequent incidents of truant behavior by the child would result in similar actions.

HPD personnel observed shortcomings and frustrations with the system. They decided that it did not help parents find functional solutions. One particular case motivated the agency to revamp its strategy.

A 13-year-old boy had been truant for approximately 35 days. The school had sent numerous letters to the mother and made some home visits regarding the student's attendance record. When the situation did not improve, school personnel sought help from HPD.

Investigation determined that the boy's mother, raising him and an infant as a single parent, abused methamphetamine. The family lived below the poverty line and received public assistance. A visit with the mother revealed that she was overwhelmed. The electricity, water, and phone had been turned off. A social service case worker

visiting along with the HPD officer offered to increase the amount of funding to the family. The officer considered the suggestion futile and misguided. After all, apparently, the mother still abused methamphetamine. Where would the extra money go?

After the boy remained truant, the officer made another visit and issued a citation for failure to maintain the child in school. The mother did not pay the fine or appear in traffic court to contest the charge. The judge ruled against the mother and issued a fine of \$130. However, the fine went unpaid, and the child remained truant. Without experienced judicial oversight and a cohesive team, the intervention failed.

REVISED STRATEGY

In 2004, because of frustrations arising from the aforementioned case, HPD decided to revise its methods of dealing with the problem. The agency modified its goals and began to treat cases of truancy as opportunities for early mediation among all affected parties. Also, HPD started directing the court proceedings to knowledgeable and interested judges in juvenile court, rather than those presiding over traffic court.

The first phase of the revised process remains the same. When a child is truant, the school initiates police involvement and a letter to the parents. Also, if the child remains truant, an officer visits the home.

At that point, however, the process changes. Now, the officer advises the parents of the law pertaining to truancy and gives them 24 hours to get the student back in school on a regular basis. If the minor still does not return to class, the officer

sets a mandatory meeting at the police department with the parents and school officials to develop a plan to get the student back into class. If the child still does not return to school, the officer makes another home visit and issues a court summons. Then, the parents or guardians must appear before the juvenile court where one of two judges who manage all such cases will see them. If the parents plead guilty or no contest, they must pay a fine. If they choose a not guilty plea, they go to trial.

If facing their first citation for failing to maintain a child in school, parents may mediate the case by meeting under the court's authority with all interested parties, including a court-certified mediator and school officials. The participants then decide a solution to resolve the truancy issue, and the court orders it. Successful mediation results in a waiver of all fines.

Normally, the clear authority and power of the court reverses the pattern of truancy. However, in cases of recidivism, the court no longer considers mediation a valid approach. Instead, the fines and court appearance force the parents to address the situation.

Enhancements

HPD made several changes to their procedures that greatly improved their truancy interventions. First, all parents who do not or cannot get their truant students to comply with the law must appear in court. They no longer can simply ignore the violation. Moreover, the direct contact with the judge emphasizes the gravity of the situation.

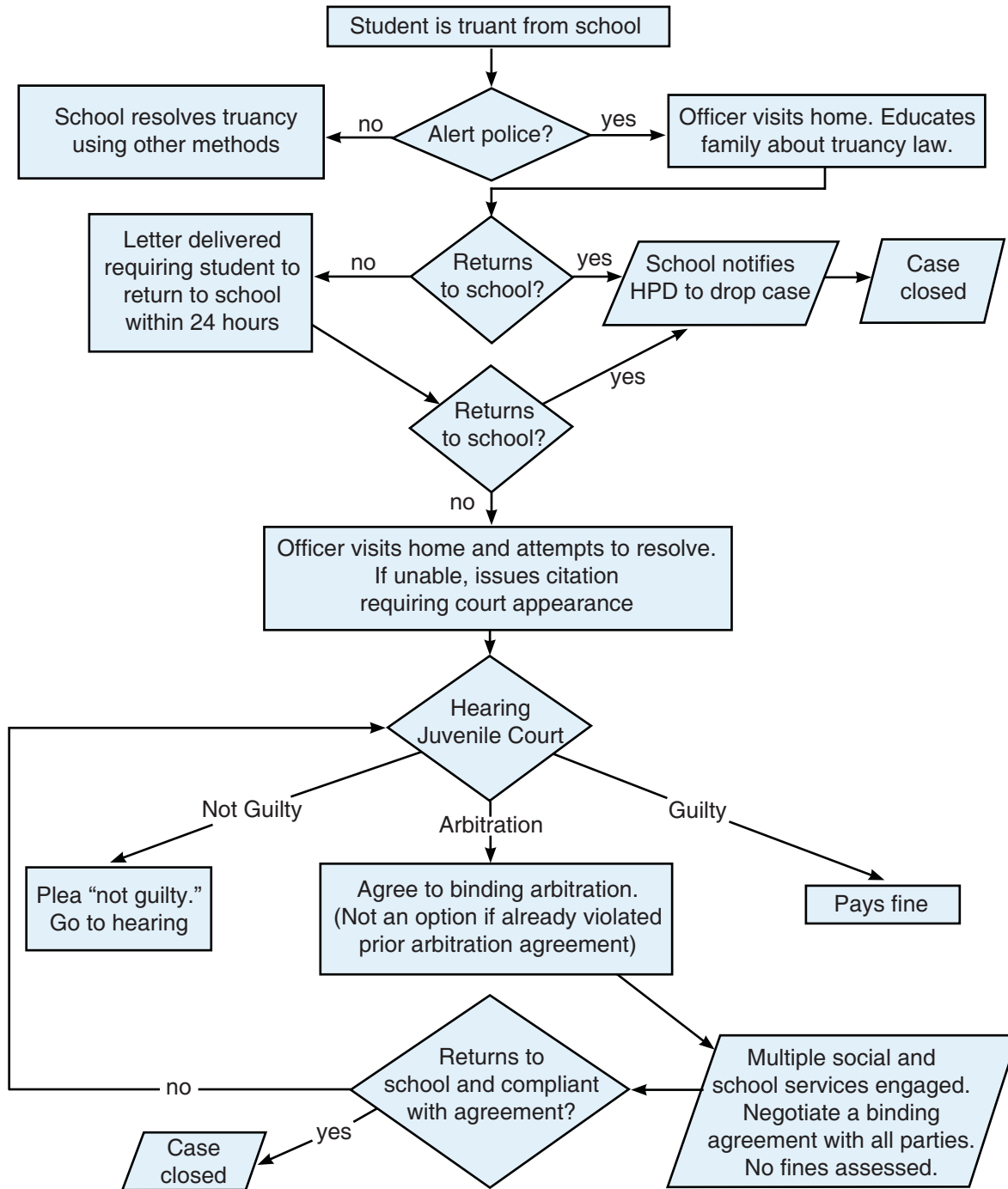
Second, parents appear in juvenile, not traffic, court. In juvenile court, parents see judges who feel comfortable working with families and know

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The Hillsboro Police Department's Revised Truancy Intervention Process



the associated law. These judges are skilled in working with social service agencies and are apt to stress the importance of the mediation process. Moreover, they have a vested interest in these matters and in many cases have seen the family within juvenile court for other causes, thereby giving them a better view of the overall picture.

Third, the program's structure encourages parents to join into a collaborative problem-solving mediation meeting, rather than a penalty system based on fines. If they join in the collaborative effort, no fines are levied unless the child remains truant.

Last, the system's methods can escalate, when necessary. Authorities can employ other legal tools to react to parents who currently abuse drugs or suffer from mental disorders.

Overall, these positive changes have given law enforcement more power. Personnel more effectively can enforce fines, demand attention from the responsible adults, and facilitate mediation.

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Steven. As a result of a court hearing, detectives, school officials, and Steven's parents met and negotiated a plan for his return to school. As part of the agreement, detectives and teachers monitored Steven to ensure that he stayed on track and out of trouble. As a result, he has earned back his lost credits by completing five semesters in 1 year, staying out of trouble, and catching up academically with his classmates.

By age 16, Rex had become a chronic juvenile offender with a propensity for violence and substance abuse. Even when he did attend school, he generally skipped class and created discipline

problems for the staff. Rex's mother, unable to manage his behavior, kicked him out of the home. HPD intervened. Rex's mom, the school staff, and the family court worked out an arbitration agreement wherein he was enrolled at an alternative educational site. Rex received counseling to ameliorate his violent behavior and drug use problems. He responded well and graduated.

Julia abruptly stopped attending school. HPD detec-

Success Stories

Officials expect the number of students referred into HPD's truancy program to increase from nearly 540 in the 2006-2007 school year to more than double that figure in 2007-2008. The program's growth stems from its success, which examples of successful interventions demonstrate.

After numerous disciplinary infractions, including substance abuse and an expulsion for possession of a knife, 15-year-old Steven saw little relevance to the educational system. He dropped out, ran away, and became homeless. His school notified HPD detectives who, in turn, located

tives were asked to investigate the truancy issue. They discovered that she did not want to drop out; her family needed her to work full time to financially support her disabled parents and five siblings. Despite the compulsory attendance law, her family required her income for food and housing expenses. Through a negotiated solution that also involved her employer, Julia continued to work while engaging in online and evening coursework. She thereby completed the few remaining credits needed for her high school diploma. The flexibility of HPD's truancy program, along with the school's willingness to negotiate a solution, allowed Julia to graduate.

CONCLUSION

Clearly, the changes in Hillsboro, Oregon, facilitate the use of law enforcement and the court system in ways that simply make more sense. In addition, they encourage collaborative efforts among community agencies by bringing law enforcement officers, school administrators, social service personnel, parents, and members of the juvenile court system into a closer working relationship to prevent or intervene in truancy cases. ♦

The authors acknowledge Tonia White for her valuable contributions in the preparation of this article.

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Mr. Heuston is a retired FBI special agent and currently serves with the Hillsboro, Oregon, Police Department.

Unusual Weapon

Knuckle-Duster Taser

This object, a blast knuckles stun gun, was taken from an offender by authorities at the Cairns Police Station, Queensland Police Service, Australia. It is a taser-style knuckle-duster that allegedly emits a blast of 950,000 volts when activated and is powered by two lithium batteries, similar to the type often used in cameras. The item is easily concealed and comes with a mobile phone-style pouch for transporting.

Law enforcement officers should be aware that subjects may attempt to use this unusual type of weapon.

Holster and weapon



Submitted by Acting Senior Sergeant Graham Hunt, Queensland Police Service, Australia.

The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize those situations that transcend the normal rigors of the law enforcement profession.



Officer Fry

While on patrol on a dark, snowy February evening, Officer Kenneth Fry of the Cherry Valley, Illinois, Police Department saw an out-of-control car skid through an intersection, strike a curb, and slide down a 30-foot embankment into a flooding river. Officer Fry immediately requested additional squad cars and an ambulance. Next, he exited his vehicle and descended down the snow-covered embankment to the river. As Officer Fry made his way through waist-deep icy water, he noticed that the car was upside down with its windows completely submerged. He tried to open the front passenger door, but a large chunk of floating ice was blocking it. After moving the ice, he was able to open the door, remove the two young passengers, and help them out of the water and up the embankment to safety.



Special Agent Godfrey

Special Agent Steven Godfrey of the FBI's Jackson, Mississippi, office was relaxing at home when his neighbor, depressed over a child's death, consumed a large amount of antidepressants and alcoholic beverages and locked himself in a pool house. Special Agent Godfrey was summoned by his neighbors when local law enforcement authorities arrived. Shortly thereafter, he heard a single gunshot coming from the pool house. After receiving permission from the authorities on the scene, Special Agent Godfrey donned his body armor, approached the pool house, and began speaking calmly to his neighbor. Special Agent Godfrey saw the man struggle to stay alert while holding two handguns. After talking with Special Agent Godfrey at length, the neighbor agreed to relinquish his weapons and allowed the authorities to take him into custody. Special Agent Godfrey's actions brought a peaceful ending to a dangerous situation.

Nominations for the **Bulletin Notes** should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Law Enforcement Communication Unit, Hall of Honor, Quantico, VA 22135.

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Patch Call



Helper City, Utah, known for the coal mining and railroad industries, is named after the helper railroad engines that once pushed trains over a nearby mountain summit. The patch of its police department features one of those engines.



The patch of the Yakima County, Washington, Sheriff's Office features the shape of the county, along with the six-point badge worn by the deputies. The brown and gold fields symbolize the agriculture of Yakima Valley, a producer of apples and hops. The green mountains represent the timber industry.